



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,024	04/20/2001	James Edward Schlabach	20-EB-4093/624226.305	2395

29391 7590 03/24/2004

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,024

Applicant(s)

SCHLABACH ET AL.

Examiner

Srirama Channavajjala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2177

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges applicant's amendment filed on 2/23/2004, paper no. 5.
2. Claims 1 and 16 have been amended, paper no. # 5.

Priority

3. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e), based on US Provisional application No. 60/258,747, filed on 12/29/2000, Also examiner notes that the present application is a continuation in part of US Application SI.No. 09/644,421.

Drawings

4. The Drawing filed on 4/20/2001, are approved to by the Draftsperson under 37CFR 1.84 or 1.152.
5. Applicant has incorporated by reference two [2] co-pending applications, at page 7 and 11 of the specification. Examiner notes that incorporation by reference of an application in a printed United States patent constitutes a special circumstance under 35 U.S.C. § 122 warranting that access of the original disclosure of the application be granted. The incorporation by reference will be interpreted as a waiver of confidentiality of only the original disclosure as filed, and not the entire application file, In re Gallo, 231 USPQ 496 (Comm'r Pat. 1986). If Applicant objects to access to the entire application file, two copies of the information incorporated by reference must be submitted along

Art Unit: 2177

with the objection. Failure to provide the material within the period provided will result in the entire application (including prosecution) being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. Compare *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).

Information Disclosure Statement

6. The information disclosure statement filed on 7/16/2001, paper no. # 4, has been considered, a copy of PTO-1449 herewith attached to this office action, paper no. # 5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 2177

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claim 1-5, 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Li, US Patent No. 6609050.

8. As to Claims 1, 16, Li teaches a system which including 'computerized method for training service personnel to service selected equipment' [see Abstract], while the service personnel is on-site adjacent the equipment to perform a service for which the service personnel may not yet be qualified to perform' [col 3, line 24-31] Li specifically suggests for example a technician may be qualified for doing specific job such as repairing transmission, but not qualified for repairing brake job that corresponds service personnel to perform a service for which the service personnel may not yet be qualified to perform; 'providing a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment' [fig 4, col 4, line 56-67, col 5, line 1-5], 'identifying an assembly of equipment that requires servicing at the site' [col 5, line 10-17], Li specifically teaches feedback module including an equipment configuration module that contains the information about equipment that requirements servicing the vehicle as detailed in col 5, line 13-17; 'identifying the present qualifications of a service personnel available at the service site for servicing the assembly' [col 4, line 37-41], Li specifically teaches various modules for example dealer selector module, scheduler module technician selector module and like

Art Unit: 2177

as detailed in fig 3, further it is also noted that dealer selector module element 40 contains service dealer database, this service dealer database also further contains various service dealer information including location, technician lists as detailed in col 4, line 37-42, correlating the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements' [col 4, line 49-55], 'in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, identifying one or more needed training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly' [fig 3, col 3, line 23-31, col 4, line 26-29], it is noted that service dealer database containing various fields such as technician skill level, technician rating that corresponds to predefined qualifications relative to that assembly, 'providing an input/output device to the service personnel' [see fig 7-9, fig 1], input and out put devices are integral part of Li's teaching because Li not only collecting information or data but also displaying via user interface [col 3, line 40-45], 'communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service' [col 7, line 42-54], 'enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site' [col 4, line 38-40, line 46-53], Li specifically teaches maintaining service dealer database that contains information about not only service dealers, locations, but also specifically about qualified technician list [see col 4, line 39-40], further Li specifically

Art Unit: 2177

suggests maintaining technician selector module that selects qualified technician to perform specific job on the vehicle or recommended service [see col 4, line 50-53]

9. As to Claim 2, Li teaches a system which including 'service personnel available at the service site for servicing the assembly are stored in the database' [fig 3, element 94].

10. As to Claim 3, Li teaches a system which including 'predefined qualifications need to service the assembly to be serviced is stored in the database' [fig 3, element 94, col 3, line 24-31], specifically service dealer database maintains various fields such as list of technicians, technician skill level, technician rating.

11. As to Claim 4, Li teaches a system which including 'communicating the successful completion of training by the service personnel back to the database and updating the database' [col 3, line 24-31, col 7, line 54-59].

12. As to Claim 5, Li teaches a system which including 'database does not recognize the equipment as having been serviced until the needed training module has been successfully completed' [col 5, line 45-55].

Art Unit: 2177

13. As to Claim 7, the limitations have been noted in the above rejection claim 1.

In addition, Li disclosed 'training modules are communicated and training is performed' [col 3, line 24-31].

14. As to Claims 8-9, the limitation has been noted in the above rejection Claim 1.

In addition, Li disclosed 'input/output device interfaces with the training module while the training module is resident in the database' [fig 1-3, col 24-31].

15. As to Claim 10, the limitations have been noted in the above rejection Claim 1.

In addition, Li disclosed 'multimedia module' [see fig 28, col 8, line 46-56].

16. As to Claim 11, the limitations have been noted in the above rejection Claim 1.

In addition, Li disclosed 'database is configured to deliver, upon request of a service provider, background information regarding other assemblies interrelated to an assembly is being serviced' [col 8, line 24-31].

17. As to Claim 12, the limitations have been noted in the above rejection Claim 1.

In addition, Li disclosed 'list of tools used to perform services for a given assembly' [fig 10], further it is noted that specific tools recommended for specific job such as wheel alignment are integral part of Li's teaching because Li is specifically directed to servicing vehicles.

Art Unit: 2177

18. As to Claim 13, the limitations have been noted in the above rejection Claim 1.

In addition, Li disclosed 'updated to reflect changes in the predefined requirements for servicing a respective assembly' [col 5, line 45-49].

19. As to Claim 14, the limitations have been noted in the above rejection Claim 1.

In addition, Li disclosed 'database is configured to automatically schedule refresher training as may be required to maintain the present qualifications of a service provider' [col 5, line 56-67].

20. As to Claim 15, the limitations have been noted in the above rejection Claim 1.

In addition, Li disclosed 'set of questions configured to elicit responses' [col 4, line 19-24].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Li, US Patent No. 6609050 as applied to claim 1 above, and further in view of Hughes et al., [hereafter Hughes], US Patent No. 5959275.

22. As to Claim 6, Li teach 'communications between the database and the input/out devices' [see fig fig 1-3], however, Li does not specifically teach 'wireless communications'. On the other hand, Hughes disclosed communicating with remote device that communicative radio link such as detailed in fig 1.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Hughes et al., into vehicle warranty and repair computer-networked system of Li because both Li and Hughes are directed to registering and maintaining equipment, more specifically Li is directed to computer based warranty administration system that provides vehicle specific service that

Art Unit: 2177

including repair processing, scheduling, technician selector, warranty analysis modules as detailed in fig 1-3, Abstract, while Hughes specifically directed to registering and tracking equipment and maintaining using hand-held client as detailed in fig 1 and both Li and Hughes are disclosed user interface [see Li: fig 7-9; Hughes: fig 2-7] and both are from the same field of endeavor because both Li and Hughes are directed to maintaining equipment. One of the ordinary skill in the art at the time of applicants' invention would have been motivated to modify Li reference, more specifically Li's fig 1 to incorporate the hand-held client device as detailed in fig 1 of Hughes et al., because that would have allowed users of Li to have more flexibility to collect information about not only registering but also tracking of various vehicles problems in real-time while walking through the bays as suggested by Hughes [see col 2, line 47-64], thus improving the quality and reliability of the system.

Art Unit: 2177

Response to Arguments

23. Applicant's arguments filed on 2/23/2004, paper no. # 5, Claims 1-16 have been fully considered but they are not persuasive, for Examiner's response, see discussion below:

a) At page 8, line 29, page 9, line 1-3, page 10, line 1-2, Claim 1, 16, applicant argues that "Li's system does not make any provisions for storing training modules in a database for training service personnel, much

As to the above argument [a], Examiner disagree with the applicant because firstly Li is directed to computer networked based vehicle repair, more specifically Li's system including various modules that communicating with the vehicle owner, service dealer database [see fig 3], secondly, Li specifically teaches technician selector module that stores qualified technician list to do specific repair job on the vehicle [col 4, line 37-40], also it is noted that Li specifically teaches qualified technician, available location to perform selected repair job as detailed in col 4, line 49-53], thirdly, Li also specifically teaches technician qualification, training level for each specific job [see col 3, line 24-28]. As best understood by the examiner, Li stores and interacts with various types vehicle, customer, service dealer, scheduling, repair, technician selector and like of information from and to the database as detailed in fig 1-6, that including storing qualified technician list for specific repair job on the vehicle as detailed above.

Art Unit: 2177

b) At pae 9, line 5-6, Claim 1, applicant argues 'Li's system fails to teach or suggest communicating training modules that may be needed by the user to overcome repair skill deficiencies'.

As to the above argument [b], examiner disagree with the applicant because Li specifically maintains not only technicians list, but also determines which technician has what kind of training before repair job is being assigned to specific technician [see col 3, line 24-31], further as best understood by the examiner training program is integral part of Li's teaching because Li specifically suggests technician(s) required to get or recommends to get specific training to learn more about specific job for example technician may be set to training program to learn additional brake repair skills as detailed in col 3, line 30-31], therefore, Li's system does teach need training to the technician(s) to overcome repair skill deficiencies.

Examiner applies above arguments to Claim 16.

Therefore, Applicant's remarks are deemed not to be persuasive, and Claims 1-5, 7-16 stand rejected under 35 USC 102(e) as being clearly anticipated by Li.

c) At page 9, Claim 6, applicant argues, Hughes fails to overcome the deficiencies of Li discussed above, thus the Li and Hughes references singly or

As to the above argument [c], Examiner in the previous office action noted that Li does not specifically teach 'wireless communications', although Li does specifically teach computer based repair computer networked system that including the ability to communicate, evaluate, repair process [see Abstract, fig 1-6]. On the other hand, Hughes disclosed computer network connected to equipment database and ability to communicate to and from wireless equipment or hand-held device as detailed in fig 1. Also Examiner noted that Hughes specifically teaches registering, tracking, maintaining equipment as detailed in fig 1. It is also noted that both Li and Hughes are directed to repair or maintaining equipment and related information in a database and providing user interface [see Li: fig 7-9; Hughes: fig 2-7] and both are directed to maintaining equipment related information, therefore, one of the ordinary skill in the art at the time of applicant's invention to modify Li's reference to incorporate the Hughes's hand-held or wireless or remote communication ability because that would have allowed users of Li to effectively collecting, tracking, repair problems, hence providing better services to customers, thus improving the quality and reliability of the system.

Therefore, Applicant's remarks are deemed not to be persuasive, and Claim 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Li as applied to claim 1 above, and further in view of Hughes et al.

Conclusion**The prior art made of record**

- a. US Patent No. 6609050
- b. US Patent No. 5959275

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- c. US Patent No. 6006171
- d. US Patent No. 6442459
- e. US Patent No. 5577186
- f. US Patent No. 6157808
- g. US Patent No. 6257896
- h. US Patent No. 2002/0107703A1
- i. US Patent No. 2002/0143421 A1
- j. US Patent No. 2002/0198997A1
- k. US Patent No. 6125312
- l. EP1096404A2
- m. GB2176637A

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 2177

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	(After Final Communication)
703/872-9306	(Offical Communications)
703/746-7240	(For Status inquiries, draft communication)

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc 
Patent Examiner.
March 22, 2004.